

House Bill 554

By: Representatives Davis of the 122nd, Greene of the 149th, Randall of the 138th, Bearden of the 68th, Everson of the 106th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-121 of the Official Code of Georgia Annotated, relating to
2 driving while license suspended or revoked, so as to clarify a defense to such offense
3 requiring a valid driver's license; to provide for related matters; to provide an effective date;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 40-5-121 of the Official Code of Georgia Annotated, relating to driving while
8 license suspended or revoked, is amended by revising subsection (a) as follows:

9 "(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual
10 violator, any person who drives a motor vehicle on any public highway of this state without
11 being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his
12 or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a
13 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of
14 nolo contendere within five years, as measured from the dates of previous arrests for which
15 convictions were obtained to the date of the current arrest for which a conviction is
16 obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be
17 punished by imprisonment for not less than two days nor more than 12 months, and there
18 may be imposed in addition thereto a fine of not less than \$500.00 nor more than
19 \$1,000.00; provided, however, that at the time of the hearing such person shall not be guilty
20 of such offense if he or she presents the court with proof of a valid driver's license issued
21 by this state and valid at the time of such person's arrest; provided, further, that if at the
22 time of the hearing, he or she presents the court with proof of a valid driver's license issued
23 subsequent to the arrest, such person shall be guilty of a misdemeanor but shall not be
24 subject to fingerprinting or the minimum mandatory fine required by this subsection for
25 such offense. Such fingerprints, taken upon conviction, shall be forwarded to the Georgia
26 Crime Information Center where an identification number shall be assigned to the

individual for the purpose of tracking any future violations by the same offender. For the second and third conviction within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a high and aggravated misdemeanor and shall be punished by imprisonment for not less than ten days nor more than 12 months, and there may be imposed in addition thereto a fine of not less than \$1,000.00 nor more than \$2,500.00. For the fourth or subsequent conviction within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than five years, and there may be imposed in addition thereto a fine of not less than \$2,500.00 nor more than \$5,000.00."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.